

# EXHIBIT 6

## Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HUNTERS CAPITAL, LLC, et al., )

Plaintiff, )

vs. ) No. 20-cv-00983-TSZ

CITY OF SEATTLE, )

Defendant. )

VIDEOTAPED VIDEOCONFERENCE 30(b)(6) DEPOSITION

UPON ORAL EXAMINATION OF

CITY OF SEATTLE

(THOMAS MAHAFFEY)

Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: JANUARY 26, 2022  
REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

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1 **Q. Okay. Is there anything else you understand**  
 2 **that you've been designated for, other than those**  
 3 **topics?**  
 4 A. No. To the best of my understanding, those are  
 5 what I've been designated to talk about.  
 6 MR. CRAMER: And, Tyler, let me clarify  
 7 something.  
 8 MR. WEAVER: Go ahead.  
 9 MR. CRAMER: For 36, it's Subsection iii, as  
 10 that relates to SPD, which I think was probably obvious  
 11 and what you meant. We've also designated the chief for  
 12 37, and specifically each of the subtopics, but  
 13 primarily Subsection iv.  
 14 MR. WEAVER: Okay. All right.  
 15 MR. CRAMER: And that's the extent of it.  
 16 And I think that covers the topics that you wanted to  
 17 pursue at this point in the litigation with the City.  
 18 MR. WEAVER: Thanks, Shane. That helps.  
 19 BY MR. WEAVER:  
 20 **Q. So I'm going to try to keep this first part,**  
 21 **just for subject of -- sake of clarity, to the 30(b)(6)**  
 22 **topics. And can you -- I -- for the purpose -- let's**  
 23 **also set this for the purposes of the deposition, just**  
 24 **so that we're clear going forward and for the -- for the**  
 25 **transcript and the record.**

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1 **What is your understanding of the term "CHOP"**  
 2 **as it relates to this case?**  
 3 MR. CRAMER: Objection. Form.  
 4 A. Well, it's an acronym that I understand to mean  
 5 Capitol Hill -- I think is it occupied protest? I think  
 6 then zone was often found on the end of that. That's  
 7 what I relate to it as.  
 8 BY MR. WEAVER:  
 9 **Q. Let me just go down a different -- a different**  
 10 **route.**  
 11 **So in June of 2020, you were the -- you were**  
 12 **the assistant chief in charge of the patrol operations;**  
 13 **is that correct?**  
 14 A. That's correct.  
 15 **Q. Okay. Do you recall a point at which the**  
 16 **Seattle Police Department modified its 911 response**  
 17 **procedures within an area on Capitol Hill, roughly**  
 18 **around the area of Cal Anderson Park and the East**  
 19 **Precinct?**  
 20 A. I guess I'd ask what you mean by "modified."  
 21 MR. WEAVER: Okay. Let me pull up a  
 22 document so that we can get on track here. Bear with  
 23 me. My apologies. I'm having a bit of technical  
 24 difficulties here.  
 25 (Exhibit No. 2 marked.)

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1 BY MR. WEAVER:  
 2 **Q. Okay. You should have something that's coming**  
 3 **up in the ex -- that's coming up in the chat that's**  
 4 **marked Exhibit 2. Let me know when you've got it up.**  
 5 A. I have it.  
 6 **Q. Okay. So do you recognize this document?**  
 7 A. Yes, I do.  
 8 **Q. Okay. So was this a policy that you announced**  
 9 **for the police department on June 12, 2020?**  
 10 A. I wouldn't have characterized it as a policy.  
 11 It was just some direction given to officers.  
 12 **Q. Okay. This was a direction you gave to**  
 13 **officers in the police department on June 12, 2020; is**  
 14 **that right?**  
 15 A. Yes, that's correct. That's the date it was  
 16 sent out.  
 17 **Q. Okay. Do -- was -- and was this a modification**  
 18 **of -- from -- was this different than the normal**  
 19 **operating procedures within the area of Capitol Hill?**  
 20 A. Yes. Based on the circumstances we were  
 21 facing, I felt it was necessary to give some guidance to  
 22 officers.  
 23 **Q. What do you mean by the circumstances that you**  
 24 **were facing?**  
 25 A. There had been significant protests for the

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1 week prior to this. Now we have an area that has some  
 2 barricades placed around it. We're no longer in our  
 3 precinct. We had seen, and reports of, armed people at  
 4 this barricade.  
 5 We'd actually had a lieutenant and a sergeant  
 6 that were confronted by armed people early -- earlier in  
 7 the week as well. So based on all that was going on,  
 8 some guidance was required for responses in the area to  
 9 keep officers and the public safe.  
 10 **Q. So let me ask you about -- first of all, what's**  
 11 **the Edward Sector?**  
 12 A. That is one of our patrol sectors. Each  
 13 precinct is divided into sectors. Edward Sector is in  
 14 the East Precinct, and the area generally covers in --  
 15 the neighborhood we call Capitol Hill.  
 16 **Q. Okay. And let me ask you, on this document --**  
 17 **first of all, did you -- who's Jason Verhoff?**  
 18 A. He is a lieutenant on the Seattle Police  
 19 Department.  
 20 **Q. And had you written this out for Mr. Verhoff,**  
 21 **or had you dictated it to him to be sent out?**  
 22 A. I don't recall specifically. So he was part of  
 23 the group -- command group in our operations center.  
 24 And as we're recognizing, then formulating plans to deal  
 25 with issues that come up, that was one of his

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responsibilities, so he came up with this document. He may have come up with the verbiage, along with some other commanders -- I don't specifically remember how -- and then it was disseminated.

**Q. Was this consistent with the directive that you had given him and the other officers?**

A. Sorry. I'm -- a directive to write this document?

**Q. Yes.**

A. So it was really -- we had a larger planning group there, so it's -- it wasn't just directed from me. So we would have a discussion about what are the circumstances we're facing, what do we have to respond to, and then what are the plans that we put in place to effect that response.

So it was collaborative, but I was the incident commander, so I ultimately had the final say on these things when they went out.

**Q. Okay. Who was part of the planning group that you were discussing?**

A. There was a lot of people involved. I mean, a lot of people rotating through, but Lieutenant Verhoff I remember was there, I believe, Captain Grenon was one of the leads, Captain Grossman, Lieutenant Barden. But we were running the operation 24 hours a day, so we had

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don't recall any specific guidance that was given, just -- this was a situation we'd never faced before, so I think we were trying to determine appropriate guidelines as responses as we're going on, based on what was occurring on the ground.

**Q. You mentioned armed people at some barricades. Can you describe to me a little bit more about what you meant about armed people?**

MR. CRAMER: Objection. Form.

A. Yeah, I meant -- specifically, I recall early on, we're talking about the first days particular stand out in my mind of June 8th, of the event was being livestreamed on video that I and others were watching in our operations center, and they showed people armed with assault weapons on the first night, the 8th, at certain intersections.

Then the following morning, I got a briefing from Captain Sano and Sergeant Geoghagan about walking back to the precinct, trying to determine what the situation was, and they were -- had conversation with several people that were armed with handguns.

BY MR. WEAVER:

**Q. And you mentioned the operations center. Where is the operations center located?**

A. It's located in the West Precinct, which is in

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shifts of command people coming through, so there was a lot of people involved.

**Q. Do you -- was Chief Best involved in the discussions regarding this new directive?**

A. At some point she was. I don't specifically remember on the 12th when that may have occurred.

**Q. Okay. Were the discussions that we talked about on the 12th, or did they happen before the 12th?**

A. I don't recall specifically when they happened. It appears the 12th is when the written guidance came out.

**Q. Had there been guidance that wasn't written prior to the 12th?**

A. If there was, I don't recall.

**Q. Prior to -- so as I understand it, the police department evacuated personnel from the -- the East Precinct on the evening or afternoon of June 8, 2020; is that correct?**

A. June 8th, yes, correct.

**Q. So between June 8th and June 12th, do you know what the practice was with regard to responding to 911 calls in the Edward Sector?**

A. Really, our best recollection is, we were trying to find exactly what was going on and how it was going to impact our responses. But as I said before, I

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downtown Seattle, around 8th Avenue and Virginia Street.

**Q. And what live feeds were you watching?**

A. They were open source social media feeds. I don't know exactly what -- which platform they were using, but it was livestream broadcast on social media.

**Q. Okay. So these would have been feeds of individuals that -- who were at the scene who were broadcasting it live over the internet?**

MR. CRAMER: Objection. Form. Foundation.

A. That would be my understanding of what was happening, yes.

BY MR. WEAVER:

**Q. So these were not official police feeds of any sort; is that right?**

A. Correct.

**Q. Going back to Exhibit 2, I'd like to ask you some questions about the paragraph that is -- that starts with "Red zone," and it has that in bold.**

**Do you see that?**

A. I do.

**Q. Okay. Is red zone a term that's often used within the Seattle Police Department? Does it have a particular technical usage?**

MR. CRAMER: Objection. Form.

A. No. This is the first I'm aware of it being

4 (Pages 13 to 16)

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1 reporter. I'm sorry. Did you say that didn't involve a  
2 firearm?

3 MR. WEAVER: Didn't involve a firearm, yep.

4 THE COURT REPORTER: Okay. Thank you.

5 MR. CRAMER: Same -- form.

6 A. In the context of this, no. And again, I would  
7 want the officers to not not respond, to consider a plan  
8 before responding to that type of event, based on all  
9 the factors that they had to deal with during this time.

10 BY MR. WEAVER:

11 **Q. How about kidnapping? Would that be a mass**  
12 **casualty event?**

13 MR. CRAMER: Same objection.

14 A. No. But again, it would not be something we  
15 wouldn't respond to. We'd just want to have a  
16 considered and thoughtful response to it.

17 BY MR. WEAVER:

18 **Q. How about a firing of a weapon where nobody was**  
19 **hit? Would that be a mass casualty event?**

20 MR. CRAMER: Same objection.

21 A. No, it wouldn't.

22 BY MR. WEAVER:

23 **Q. How about property damage? Would that be a**  
24 **mass casualty event?**

25 MR. CRAMER: Form.

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1 A. Property destruction, no. Not unless it was  
2 putting somebody's -- or many people's lives in danger  
3 potentially.

4 BY MR. WEAVER:

5 **Q. Okay. How about fires that were not structural**  
6 **fires? Would those be considered a mass casualty event?**

7 MR. CRAMER: Same objection.

8 A. Potentially, if it was endangering or -- a  
9 significant amount of lives, if there were injuries  
10 associated with it, potentially, yes.

11 BY MR. WEAVER:

12 **Q. Okay. How about a loud disagreement involving**  
13 **a large group of individuals carrying rifles, but not**  
14 **firing them? Would that be considered a mass casualty**  
15 **event?**

16 MR. CRAMER: Objection. Form.

17 A. No. But again, it would still require  
18 consideration of how we're going to respond to that,  
19 based on what the dynamics of the situation were and  
20 what we were learning about it.

21 BY MR. WEAVER:

22 **Q. So I'd like to ask you about the next sentence**  
23 **in red zone. If responding to a mass casualty event --**  
24 **incident, sorry -- within the red zone, all responding**  
25 **officers should muster with a supervisor outside that**

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1 **zone to evaluate the feasibility of a police response**  
2 **and develop a plan.**

3 **Do you see that?**

4 A. Yes.

5 **Q. Okay. So was the plan that when the police**  
6 **department learned of a mass casualty event within the**  
7 **red zone, that there would be -- rather than responding**  
8 **immediately to that call, there would be a gathering of**  
9 **police outside the red zone to discuss whether it was**  
10 **feasible to enter the red zone?**

11 MR. CRAMER: Objection. Form.

12 A. Is that discussion whether it's feasible, then  
13 to form the response? Could the officers do it with the  
14 resources they had there? Did they need more  
15 assistance, additional resources? Again, just being  
16 thoughtful as to ensure both their safety and the  
17 public's safety, which is our critical role.

18 BY MR. WEAVER:

19 **Q. So during that period of June 8th to June 30th,**  
20 **was there a particular staging area that the police**  
21 **department was using for this sort of activity?**

22 A. No. It was incident dependent on where it was  
23 happening, but I think our protocols and the way we  
24 train are to determine a staging area that makes it both  
25 safe to respond to the event and muster resources as

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1 well. So it can be fluid.

2 **Q. So I think you indicated that you -- you think**  
3 **that this directive changed or was clarified later in**  
4 **the month of June 2020. Is that what I understood you**  
5 **to say?**

6 MR. CRAMER: Objection. Form.

7 A. My recollection, I think the wording of -- of  
8 mass casualty event was changed to more directly reflect  
9 the goals that we were trying to achieve with this.

10 BY MR. WEAVER:

11 **Q. What were the goals that you were trying to**  
12 **achieve?**

13 A. To respond to events within the red zone, but  
14 to do it in a way that ensured that our officers could  
15 do so safely, without inflaming any of the groups or  
16 factions that were inside the red zone that were opposed  
17 to any type of police presence within the area. That  
18 had to be a consideration that we -- that we took in,  
19 so...

20 **Q. Were you concerned that there would be violence**  
21 **that would impact the safety of officers if you**  
22 **responded within the red zone?**

23 A. Yes, that was a concern.

24 **Q. And what was that -- what was that concern**  
25 **based on?**

6 (Pages 21 to 24)

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A. Everything we went through from probably about May 29th through June 7th: the nightly protests, assaults against officers, explosive devices, rocks, bottles, assaultive actions towards officers, kind of all that, you know, seven or eight days coalesced in the planning for responses into the CHAZ or CHOP, again, to try and prevent any more interaction in a negative way between police and citizen groups unless it was absolutely necessary, and that we did it in a thoughtful and considerate way, to try and avoid confrontation or use of force.

**Q. Okay. On the second page of Exhibit 2, there's a -- there's a map with a shaded area on it.**

A. Yes, I see that.

**Q. Is that a depiction of the area that was to be considered the red zone?**

A. That's correct.

**Q. Do you know whether the boundaries of this red zone changed between June 8th and June 30, 2020?**

A. To my recollection, it did not change. They stayed as is depicted on this map for that period.

MR. WEAVER: Okay. I'd like to drop another document into the chat. We'll mark it as Exhibit 3 when I get it up here.

(Exhibit No. 3 marked.)

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BY MR. WEAVER:

**Q. Do you recognize this document?**

A. Yes.

**Q. What's an incident action plan?**

A. It's the plans that we put out when we have a special event or a significant deployment of police officers, that generally is put together by our operations center, that kind of lays out what the situation is we're addressing for the particular event, and then what some of the objectives are for the incident, and then how the incident is organized, who is in command of various sections or subsections of the event for the response to it.

**Q. Are these typically put out every day by the police department as a matter of regular course?**

A. No. As I said, they're really just for special occurrences or events.

**Q. Okay. I'd like you to go down to -- let me find the page here -- Page 15 of the PDF. It has a Bates number of 7780 at the bottom.**

A. I am on that page.

**Q. Okay. Now, it appears that the wording as of this June 29th document had changed from "mass casualty event" to "critical life safety emergency"; is that correct?**

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A. Yes.

**Q. What is your understanding of the difference between a mass casualty event and a critical life safety emergency?**

MR. CRAMER: Objection. Form.

A. Again, I don't know if it's so much a difference, the two events. I think it's just clarifying the -- you know, like I said before, I think the wording before, I think we were trying to give an example of what people go to.

I think we're just trying to clarify it better, that if anybody or any individual's safety or life was in danger, that we had to again think thoughtfully about how we were going to respond into the zone to that situation, to render police assistance.

BY MR. WEAVER:

**Q. Okay. So in Exhibit 2, which refers to a mass casualty event, it says, "e.g., active shooter incident and structural fire likely to endanger human lives, etc."**

**Do you see that?**

A. Yes.

**Q. Is it your understanding that that was meant to define what a mass casualty event was?**

MR. CRAMER: Objection. Form.

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A. That was meant to provide a couple of examples, and was not meant to be all-inclusive.

BY MR. WEAVER:

**Q. Okay. So if you go to Exhibit 3, Page 15, it looks like we have the same two examples as -- examples of a critical life safety emergency; is that correct?**

A. Yes, that's correct.

**Q. So I want to go through this again. And let me ask, you know, whether you understood these to be critical life safety emergencies within the meaning of this directive.**

**Kidnapping, was -- would that be considered a critical life safety emergency?**

MR. CRAMER: Objection. Form.

A. Potentially, yes. I mean, kidnapping's going to be a very serious crime, and something that we need to definitely look at formulating a response to and addressing.

BY MR. WEAVER:

**Q. How about rape?**

MR. CRAMER: Same objection.

A. Again, just depending on the particular circumstances. Of course, rape is a -- rape is a very serious crime and something that we would need to determine the appropriate response to, based on what the

7 (Pages 25 to 28)



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1 specified -- specific? I don't who it was sent to  
2 directly.

3 MR. WEAVER: Okay. I'm going to drop  
4 another document in the chat. We're getting -- we're  
5 getting fast and furious on the -- on the documents  
6 already, so...

7 (Exhibit No. 5 marked.)

8 THE WITNESS: Okay.

9 BY MR. WEAVER:

10 **Q. All right. So is this an email you sent on**  
11 **June 16th?**

12 A. Just blow it up here a little bit.

13 Yes.

14 **Q. Okay. So in the first sentence, you say, "For**  
15 **clarification, this is what I approved and was sent out**  
16 **department-wide last Friday," and then it appears to**  
17 **have the text of the email from Exhibit 2 down below,**  
18 **towards the bottom of the first page. Is -- am I**  
19 **understanding that correctly?**

20 A. That appears correct, yes.

21 **Q. Okay. So does that refresh you as to whether**  
22 **the Exhibit 2 was sent out to the entire department?**

23 A. That's what I said in the email. But like I  
24 said, I don't -- specifically I don't recall who it was  
25 sent out to, but that's what I'm saying in this email,

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1 yes.

2 **Q. Okay. So I'd like to go back to Exhibit 4,**  
3 **which is the June 24th IAP. And if you could scroll**  
4 **down to -- I think it may be 15 of this one as well.**  
5 **So -- yes, it's 15. I'm sorry. It's 16. Bates**  
6 **No. 7543.**

7 This appears to have similar language to what  
8 we've been talking about, but it uses the term "mass  
9 casualty event" rather than "critical life safety  
10 emergency."

11 Do you see that?

12 A. Yes.

13 **Q. So this was June 24th of 2020. Does this**  
14 **refresh you at all as to when there might have been a**  
15 **change to the wording of "critical life safety**  
16 **emergency"?**

17 MR. CRAMER: Objection. Form.

18 A. Sorry. You said Exhibit 4 says mass casualty  
19 event, or am I on the wrong exhibit or --  
20 BY MR. WEAVER:

21 **Q. I believe it does, on Page 16, if you -- you**  
22 **can look at it, yourself.**

23 A. I'm looking at Exhibit 4, and it's -- says  
24 "mass casualty event" on Page 16.

25 **Q. Okay. So it appears that on June 24th there**

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1 **were IAPs being sent out with the wording of "mass**  
2 **casualty event."**

3 **Does that help you remember at all when it**  
4 **was -- when the wording was changed to "critical life**  
5 **safety emergency"?**

6 MR. CRAMER: Objection. Form.

7 A. It doesn't. I will say one thing, with IAPs,  
8 especially during this time, we were having -- the  
9 operations center was having to produce so many,  
10 sometimes getting the language caught up or getting  
11 things changed, because of everything else that was  
12 going on from the planning perspective, sometimes they  
13 weren't as timely as they could have been, with getting  
14 changes put into them.

15 BY MR. WEAVER:

16 **Q. Was it your understanding that there was any**  
17 **difference in the -- in the substance of the directive**  
18 **between the directive that used the term "mass casualty**  
19 **event" and the directive that used the term "critical**  
20 **life safety emergency"?**

21 A. Sorry; I'm not quite following your question  
22 there.

23 **Q. Okay. Was the change from "mass casualty**  
24 **event" to life -- "critical life safety emergency" meant**  
25 **to convey a change in department policy or directive?**

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1 A. No. Again, I think it was just meant to  
2 clarify the wording, and really the -- the premises that  
3 we were operating under, I think it just -- and the  
4 things that we were briefed kind of every day, I think  
5 it was just providing more clarity.

6 **Q. And I'd like you to go to the bottom of the**  
7 **last page on Exhibit 4. This again is a map showing**  
8 **the -- what's -- what were the boundaries of the red**  
9 **zone; is that right?**

10 A. Correct.

11 **Q. And were those the same that they had been in**  
12 **the directive that went out department-wide on June 12th**  
13 **in Exhibit 2?**

14 MR. CRAMER: Objection. Asked and answered.

15 A. Yes. They -- they look the same. I don't see  
16 any significant changes in either map.

17 BY MR. WEAVER:

18 **Q. Let me ask you, with regard to -- and we can**  
19 **go -- we can go to any -- I guess go back up to 16 on**  
20 **Exhibit 4, Page 16.**

21 A. Okay.

22 **Q. Okay. So with regard to Edward Sector, it**  
23 **indicates that a required -- requires a four officer**  
24 **minimum response to all Edward Sector calls for service**  
25 **outside the red zone.**

9 (Pages 33 to 36)

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**What does -- what did that mean?**

A. For any response for police service, that we were going to send, again, as it indicates, a minimum of four officers to that call.

**Q. So prior to June 2020, what was the minimum response for a call in the Edward Sector?**

A. It would depend on the type of call, again, with -- what the actual details of the incident were. But it could be as little as one officer for a nonpriority event with no suspect on the scene, to many multiple of officers for some type of ongoing life safety emergency.

**Q. So what -- what was the least number of officers for a particular call that would be a minimum required to respond to a call prior to June 2020?**

A. The fewest would be one for a low priority response.

**Q. Okay. And during the -- during the pendency of these directives in June of 2020, even those low priority calls would still require a four officer response? Is that correct?**

A. That is correct, yes.

**Q. And why was that?**

A. Due to just the conditions that we hadn't faced before, based on -- I will describe it as the negative

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feelings and animosity towards Seattle police officers at that time that was particularly concentrated in that area of the city.

Officers were going to seemingly routine calls and being accosted by people seeking confrontation even in routine situations. So again, in just working through some of these unprecedented circumstances that were dealt with, again, officer safety being the most -- the thing that was most foremost on my mind during this period, we determined that this was the best course of action to take.

**Q. Okay. So within the Edward Sector, but outside the red zone, were there cases in which there might be a mass casualty event or a critical life safety emergency, that it would be appropriate under your directive for officers not to respond?**

MR. CRAMER: Objection. Form. Calls for speculation.

A. No. But again, depending on the criticality of the incident, I want them to formulate a thoughtful and considered response before going in, again, to ensure their safety, de-escalate, minimize the potential use of force, and keep the public safe.

BY MR. WEAVER:

**Q. So when you indicate that it was -- you were**

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**trying to keep the public safe by not responding to calls, how was not responding to calls keeping the public safe?**

MR. CRAMER: Objection. Form.

A. That's not what I mean by that. It's, again, to -- we're responding to calls. It's just that we're doing it in a way that allows us to provide service in the best way that we can.

We're just considering the -- again, the unprecedented circumstances that we were facing at the time, and the scrutiny, and threat to officer safety that we were having to deal with.

That's what the -- really considerations that I had to -- to deal with at the time and how we were going to still provide police services while dealing with all these other issues that were swirling around us.

BY MR. WEAVER:

**Q. So going back to Exhibit 5, in the second paragraph of this email you sent on June 16th, you're asking whether the -- first of all, you sent this to Carmen Best, and then who's Christopher Fisher?**

A. He was the chief's -- I believe his title was strategic advisor.

**Q. And you say, "Please let me know if this should be altered or clarified in anyway if it is creating a**

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**messaging issue or confusion internally or externally."**  
**Do you see that?**

A. Yes.

**Q. Do you remember asking for that, for any clarification they wanted?**

A. Reading this email, that -- now it's bringing up I did ask that, yes.

**Q. Do you recall whether either Chief Best or Officer Fisher indicated that your policy should be altered or clarified in any way?**

A. I don't specifically, no.

**Q. And you also indicate down below that, "Depending" -- you were going to talk with representatives from the City's department involved in barricade removal, and that, "Depending on how that operation went, I may be able to adjust the current response protocol to the area."**

**Do you recall whether the -- you adjusted the current response protocol to the area after barricade removal?**

A. It wasn't adjusted because the barricades -- if this is still June 12th, my recollection, the barricades -- or June 16th, excuse me, the barricades were not removed. So protocols were not adjusted.

**Q. So the protocols were not adjusted until all**

10 (Pages 37 to 40)



Page 73

1 you, just Chief Mahaffey.

2 BY MR. WEAVER:

3 **Q. So I think we talked just briefly about the**  
 4 **evacuation of materials and personnel from the East**  
 5 **Precinct on the night of June 8th or the afternoon of**  
 6 **June 8, 2020.**

7 **Was that your decision, to evacuate personnel**  
 8 **from the East Precinct?**

9 A. Ultimately, that was my decision, yes. I made  
 10 it in -- I had consultation with my commanders I had  
 11 working that day, but yes, ultimately, that decision  
 12 was -- was mine.

13 **Q. Did you make any consultation with Chief Best?**

14 A. I did call her and let her know how we'd be  
 15 proceeding that evening, yes.

16 **Q. And you told Chief Best before you had --**  
 17 **before the evacuation; is that correct?**

18 A. Yes. I -- yes. Before we implemented the  
 19 actual plan, yes, I let her know.

20 **Q. Okay. And what was the basis for your decision**  
 21 **to evacuate personnel from the East Precinct?**

22 A. Well, there's a lot that went into that  
 23 decision. It was not easily made. The overarching  
 24 concern was, the need to de-escalate would have been  
 25 going on the previous week, which was a constant focus

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1 on the precinct by the protesters, to the point that the  
 2 precinct had become inoperable.

3 We had nearly nightly clashes with protesters  
 4 involving significant amounts of -- we had to use force  
 5 to deal with the crowd. We had force used against us by  
 6 the crowd.

7 We had officers injured. We had members of the  
 8 protest crowd injured, and it was seemingly not going to  
 9 end. So that was the overall goal, was to prevent any  
 10 further clashes with the crowd and injuries to officers.

11 There was also concerns about the building  
 12 being attacked and destroyed. We had information from  
 13 the FBI. I knew that a precinct had been burned in  
 14 Minneapolis, Minnesota, as a result of protests they had  
 15 there. I had information other government buildings  
 16 were being attacked.

17 So I had a great concern that based on what had  
 18 been occurring the previous weeks, that the East  
 19 Precinct would be another target, which, based on where  
 20 it sits on the block, there's really only two ways in  
 21 and out of it.

22 And overall, the -- that was my greatest  
 23 concern, was keeping -- keeping people safe, and not  
 24 being able to keep people in there, as we were not going  
 25 to be able to use the tactics, which was using police

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1 officers directly to manage and address the crowd.

2 So that was the course of action that I felt  
 3 was the best to prevent confrontation, to de-escalate,  
 4 prevent injury, and keep police officers and the public  
 5 safe.

6 **Q. You said there was force used against officers**  
 7 **by people who were protesting or who were mixed in among**  
 8 **the protesters.**

9 **What sort of force was being used?**

10 A. So there was physical body force consisting of  
 11 pushing, shoving, punching. We also had objects thrown  
 12 at us: rocks, pieces of cement, bottles, garbage.  
 13 Commercial grade fireworks were used on officers as  
 14 well.

15 And then we had reports of people in the crowd  
 16 with Molotov cocktails, which is a bottle filled with  
 17 gasoline with usually a rag soaked in some type of  
 18 accelerant on top as well.

19 So those were some of the issues that we  
 20 were -- we were dealing with. We'd also get reports of  
 21 armed people in the crowd from time to time, but we did  
 22 not have firearms directly used against police officers,  
 23 thankfully.

24 **Q. And so your expectation on June 8th, that that**  
 25 **was probably going to keep happening regularly on the**

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1 **night of June 8th and later; is that correct?**

2 MR. CRAMER: Form.

3 Go ahead.

4 A. Continuing with our same deployment model, yes,  
 5 I felt that was the likely -- likely outcome.

6 BY MR. WEAVER:

7 **Q. So to what extent was the mayor's office or the**  
 8 **mayor herself involved in discussions about what to take**  
 9 **out of the precinct and when to take it out of the**  
 10 **precinct?**

11 MR. CRAMER: Objection. Form.

12 A. My recollection, I think sometime --

13 THE WITNESS: That wasn't me, I hope, on  
 14 the -- on the --

15 MR. CRAMER: I think someone -- I think  
 16 someone joined.

17 Go ahead.

18 I'm sorry. Tyler, do you want to re-ask it  
 19 just so we're -- or have the court reporter read it  
 20 back.

21 MR. WEAVER: I can ask it again.

22 BY MR. WEAVER:

23 **Q. So to what extent was the mayor herself or the**  
 24 **mayor's office involved in discussions about moving**  
 25 **materials or people out of the East Precinct on**

19 (Pages 73 to 76)

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1 **June 8th?**

2 MR. CRAMER: Same objection.

3 A. I don't know about the mayor's direct  
4 involvement. There was some discussion with some of  
5 other staff about having a plan in place, about if we --  
6 about moving, what articles would have to be moved out  
7 of the precinct potentially. I think that occurred on  
8 June 7th or 8th.

9 BY MR. WEAVER:

10 **Q. So what were the discussions with the mayor's**  
11 **staff about what should be moved out?**

12 A. I'm sorry; you cut out in the last part of  
13 that.

14 **Q. What were the discussions with the mayor's**  
15 **staff about what should be moved out of the precinct, I**  
16 **think you said on either June 7th or June 8th?**

17 A. I don't know if I'd characterize it as a  
18 discussion. I think it was -- my recollection, it more  
19 was asking for a plan about what items would have to be  
20 taken out.

21 **Q. Okay. What do you recall about those**  
22 **discussions?**

23 MR. CRAMER: Objection. Form. Misstates  
24 testimony.

25 A. Just we were asked for some plans. I think it

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1 director level. I don't remember specifically, but that  
2 would have been SDOT, I believe Fire Chief Scoggins was  
3 there, potentially somebody from Public Utilities,  
4 but -- so it was police, mayor's office, and some other  
5 department heads.

6 **Q. Okay. What were the nature of those**  
7 **discussions? What was the topic of the discussions that**  
8 **was going on there?**

9 A. So on the night of the 7th, we had had another  
10 significant incident involving the -- well, two, really.  
11 The -- the evening had started out where a person had  
12 driven a car down 10th Avenue from Pike Street, came out  
13 of the car -- shot somebody, came out of the car, went  
14 through the crowd. Police took them into custody. So  
15 that started the evening.

16 And then towards the end of the evening, we had  
17 a significant removal of barricades that we had -- 11th  
18 and Pine Street was kind of where we had the most  
19 significant involvement nightly.

20 We had -- I had ordered some better metal  
21 fencing, what we thought would be better metal fencing,  
22 but really, almost as soon as it was installed,  
23 protesters were looking for ways to take it down.

24 They had taken it down. There was an  
25 encroachment on the precinct. All our attempts to

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1 was over email. I don't remember about that particular  
2 topic specific face-to-face discussions that I was  
3 involved in.

4 BY MR. WEAVER:

5 **Q. Okay. Were you in -- were you involved in**  
6 **face -- face-to-face discussions on June 8th with**  
7 **anybody from the mayor's office about the East Precinct**  
8 **and the protests outside?**

9 A. Yes, I was.

10 **Q. Can you tell me about the nature of those**  
11 **meetings and who was there?**

12 A. Yes. There was a meeting in the Seattle  
13 Emergency Operations Center at around noon on June 8th.  
14 From the police department, Chief Best was there; I was  
15 there; Assistant Chief Cordner, Assistant Chief  
16 Nollette, Assistant Chief Diaz, Assistant Chief Hirjak,  
17 I believe Assistant Chief Greening as well. So  
18 essentially the entire -- we call it the command staff,  
19 the sworn command staff, which is the chief and her  
20 assistant chiefs.

21 From the mayor's office was Deputy Mayor Fong;  
22 Stephanie Formas, who's chief of staff; and Deputy Mayor  
23 Sixkiller. Those are the three I remember.

24 And then I think there were representatives  
25 from some other City agencies there. They may have been

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1 de-escalate verbally had failed. We had reports of  
2 people with firearms in the crowd.

3 We ended up using some less lethal munitions to  
4 disperse the crowd, making numerous arrests, having  
5 officers and members of the public injured. That's the  
6 night of -- into the early morning of June 7th and the  
7 early morning of June 8th.

8 And that leads to this meeting on the 12th to  
9 discuss really what the plan would be, moving forward,  
10 in an effort to avoid further conflict and confrontation  
11 with the crowds that were gathering nightly around the  
12 East Precinct.

13 THE VIDEOGRAPHER: Mr. Mahaffey, would you  
14 mind either leaning back or pushing your -- the audio on  
15 the camera is having trouble. Thank you.

16 THE WITNESS: Sure.

17 BY MR. WEAVER:

18 **Q. So at any point during the conversations on the**  
19 **8th that involved the deputy mayors and the chief of**  
20 **staff Formas, do you recall there being a suggestion**  
21 **from either the deputy mayors or Stephanie Formas that**  
22 **the police should be -- the police should evacuate**  
23 **personnel from the East Precinct?**

24 A. No, I don't recall her saying that.

25 **Q. Do you recall that there were discussions among**

20 (Pages 77 to 80)

Page 81

1 that group about whether to evacuate materials and  
2 evidence from the East Precinct on the -- on June 8th?

3 MR. CRAMER: Objection. Form.

4 A. Not specifically. But that would have been a  
5 concern of mine, that, you know, those items were in the  
6 precinct and were potentially vulnerable.

7 BY MR. WEAVER:

8 Q. Do you recall discussions with -- in these  
9 discussions on June 8th, any of the mayor's staff  
10 discussing that they wished to have the protesters be  
11 able to walk -- march by the East Precinct on the night  
12 of June 8th?

13 A. Yes. That was their preference, I guess, or  
14 how they wanted to proceed.

15 Q. And was it your concern that by allowing the  
16 protesters to walk by the precinct on the night of  
17 June 8th, that that would put the East Precinct and  
18 potentially officers at risk?

19 A. Yes. Based on what had occurred during the  
20 previous weeks, it was a -- certainly a significant  
21 concern of mine.

22 Q. Okay. So you mentioned that there were -- you  
23 had metal fencing in the area. What sort of barriers or  
24 barricades had been used in the week or so leading up to  
25 June 8th by the police department in that area?

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1 A. It started with what we call bicycle fencing,  
2 which is really fairly lightweight aluminum fencing.  
3 It's really more meant to either let people know, look,  
4 you can't come into this area, or to guide people in a  
5 certain direction.

6 So we'd start out with that, but it's -- it's  
7 very easily moved. It's -- it's not effective as a  
8 permanent or robust barrier. So we'd started with that,  
9 realized that wasn't going to work, and then by Sunday,  
10 the 7th, my preference or plan was, what we were  
11 scrambling to do was to try and place the more secured  
12 perimeter around the precinct, using barricades. It was  
13 just -- turned out to be very difficult to get something  
14 on a short notice.

15 So what we came up with on the day of the 7th  
16 is -- was some more fencing that was sturdier than the  
17 bicycle fencing, that wasn't easily pushed over. And it  
18 was -- it came from a company that does festivals and  
19 concerts.

20 So it -- it's only about waist high, but it's  
21 just not as movable, so people can't kind of push  
22 through it, ideally, in more -- or were -- in less  
23 dynamic and volatile circumstances.

24 But the shortcoming was, it -- with it was that  
25 it was -- you know, if you had the right tools, that you

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1 could dismantle it. So those are really the two types  
2 of barricades, physical barricades, that we'd used  
3 during the week.

4 Q. Do you recall whether you had any  
5 water-filled -- like large water-filled barriers that  
6 had been used either on June 8th -- on June 7th or  
7 June 8th by the precinct?

8 A. I remember those came at some point. I don't  
9 remember specifically when, though. But I -- at some  
10 point they were used.

11 Q. How about concrete barriers around the  
12 precinct? Do you recall any of those on June 7th or  
13 June 8th?

14 A. I don't.

15 Q. Were you in discussions with the department --  
16 Seattle Department of Transportation on June 7th or  
17 June 8th about what sorts of barriers they might be able  
18 to provide?

19 A. I wasn't specifically, no. I believe -- my  
20 recollection is Assistant Chief Hirjak was at times  
21 acting as a conduit to them.

22 Q. And what was Chief Hirjak's position within the  
23 department as of June 2020, if you recall?

24 A. Assistant chief of -- I believe it was the  
25 Special Operations Bureau.

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1 Q. The Special Operations Bureau, you said?

2 A. Yes.

3 Q. What's the Special Operations Bureau?

4 A. They oversee more specialty response resources,  
5 SWAT team, harbor, the traffic unit. I believe they  
6 oversaw the special -- or yeah, police operations  
7 center, so SPOC at the time. That's what was -- example  
8 of some of the resources that were under that bureau.

9 Q. So when you made the decision to evacuate the  
10 East Precinct on June 8th of personnel and materials,  
11 what was your intent about when personnel and materials  
12 would return to the precinct?

13 A. Later that day or early the next morning.

14 Q. And was it -- was it your plan that after the  
15 protests had subsided on the night of June 8th, that the  
16 police department would repopulate, for lack of a better  
17 term, the East Precinct?

18 A. Yes.

19 Q. Did that happen?

20 A. No, it did not.

21 Q. Why not?

22 A. The protesters surrounded the building, and  
23 then stayed there, and then started setting up  
24 barricades around the area, without taking any  
25 aggressive action against the precinct, so peaceful

21 (Pages 81 to 84)

Page 85

1 protest at that time.

2 Then later in the evening, some of those  
3 barricades started being manned by people who were  
4 armed.

5 **Q. What sort of barricades were being used that --**  
6 **that night, the night of June 8th, into June 9th?**

7 MR. CRAMER: Objection. Form.

8 A. My recollection is a lot of makeshift  
9 barricades. They'd used some of the fencing that they  
10 had -- been taken apart. I believe dumpsters were used.  
11 Kind of anything that could be found was kind of used in  
12 the makeshift barricades.

13 Maybe some of our -- I don't know if they had  
14 any of our bicycle fencing, but I remember it was a lot  
15 of -- they were improvised, for the most part, that I  
16 recall.

17 BY MR. WEAVER:

18 **Q. Do you recall seeing any vehicles being used as**  
19 **barriers on that night?**

20 A. I don't know if specifically on that night, but  
21 I know certainly at some point, if not that night, but  
22 then certainly later on, vehicles were used.

23 **Q. And where -- where do you recall these**  
24 **barricades -- were the barricades in the street? Were**  
25 **they on the sidewalks? Where were the barricades on the**

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1 **night of June 8th and into June 9th?**

2 A. Mainly my recollection is across the street.  
3 They might have covered the sidewalks in some points  
4 too.

5 **Q. Do you know what streets were blocked at that**  
6 **point?**

7 MR. CRAMER: Objection. Form.

8 A. My memory is the area around the precinct, so  
9 12th Avenue, Pine Street, potentially 11th and Pine as  
10 well. There may have been other directions covered as  
11 well, but those are -- those are what stand out.

12 BY MR. WEAVER:

13 **Q. And am I correct that at least initially**  
14 **there -- you -- you saw that there were people guarding**  
15 **the barriers, manning the barriers?**

16 MR. CRAMER: Objection. Form. Vague.

17 A. I don't know if I'd classify it as initially,  
18 but at some point that -- that did happen.

19 BY MR. WEAVER:

20 **Q. Okay. And what did -- what did you observe**  
21 **that might be called guarding or manning the barrier?**

22 A. People set up behind -- behind the barriers, I  
23 think, monitoring them, and then at some point people  
24 with weapons showing up as well.

25 **Q. And just so I -- did you see this -- you were**

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1 **watching this on live feedback at the SPOC; is that**  
2 **correct?**

3 A. Yes.

4 **Q. Between June 8th and June 10th -- June 30,**  
5 **2020, did you personally return to the East Precinct at**  
6 **any point?**

7 A. Yes, I did.

8 **Q. When was that, or what times were that, if you**  
9 **know?**

10 A. I believe it was -- the date -- it was either  
11 June 11th or 12th, I went back to the East Precinct with  
12 Chief Best and some other officers as well.

13 **Q. Was there any other time that you went back**  
14 **there before July 1, 2020?**

15 A. Not that I can recall, no.

16 **Q. During the period of June 8th to June 30, 2020,**  
17 **where were you working from primarily?**

18 A. The Seattle Police Operations Center.

19 **Q. At the West Precinct, I think we established;**  
20 **right?**

21 A. Yes, that's correct.

22 **Q. How regularly were you monitoring live feeds of**  
23 **what was going on in the red zone and around the East**  
24 **Precinct?**

25 A. Only occasionally I might view it, so there --

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1 there was kind of a larger situation room that would  
2 have the feeds up, but I maintained a -- a separate  
3 office that I could work out of that didn't have the  
4 feeds on them.

5 So if I was passing through the room, I'd take  
6 a look at them, but I had others whose responsibility  
7 was to monitor those as part of their work.

8 **Q. Okay. So was there somebody monitoring those**  
9 **feeds pretty much constantly during the period of**  
10 **June 8th through June 30, 2020?**

11 A. That certainly we had access to feeds and  
12 knowledge of them, and we would have somebody monitoring  
13 them.

14 **Q. What was the situation -- can you just describe**  
15 **for me the situation room you mentioned earlier?**

16 A. It's -- just call it the large room in the  
17 operations center, where there's kind of a few rows of  
18 workstations where we can put police personnel at to  
19 work from.

20 There's some kind of large projection-type TV  
21 screens on the walls, where like the social media feeds  
22 I'm talking about, or other information can be displayed  
23 on them as well.

24 So it's just kind of a large workroom when we  
25 have an event going and the operation's occurring, where

22 (Pages 85 to 88)



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everybody is performing their task out of.

**Q. And was that dedicated to looking at the area around the red zone and the East Precinct during this June period, June 2020?**

A. Yes. And it was bigger than that. I mean, the operations center is the coordination point for all of our operations during this event. Since this was a significant deployment of personnel and resources, they were in charge of coordinating all of that.

**Q. And the live feeds were projected onto the -- onto a screen there; is that correct?**

A. Generally, yes. That's when I was aware of them, there was a screen they were projected on.

**Q. So when did you -- when did you first learn that protesters had created barriers around the East Precinct and in the streets near the East Precinct on June 8th?**

A. When as in the time?

**Q. Yeah.**

A. My best recollection is that it was after dark. So this is late June, so it's 9:30, 10:00 p.m. is -- that's what stands out in my memory, is it was -- the sun had gone down.

**Q. That time of year, we get a little -- oh. I'm sorry. Go ahead.**

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MR. CRAMER: Can we go off for one minute? There was a note in the chat from the videographer that I want to deal with.

MR. WEAVER: Oh, yeah.

THE VIDEOGRAPHER: Going off the video at 11:45.

(Discussion off the record.)

THE VIDEOGRAPHER: Back on the record at 11:46.

BY MR. WEAVER:

**Q. Do you recall when you first learned that at least some people had declared an area around the East Precinct to be an autonomous zone?**

A. My recollection, hearing those words, autonomous zone, were the next morning, when I got the report from Captain Sano, so the morning of June 9th.

**Q. And forgive me for not remembering. Was Captain Sano one of the officers that went down to look and see what was going on that morning?**

A. Correct.

**Q. What else did he report to you on the morning of June 9th, if you recall?**

A. Well, my recollection is, he met with a couple of people that -- that there didn't really seem to be a leader present, and I think they mentioned the person's

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name who was the leader. I think it was Raz Simone, who would be back later that night. That's kind of a summary of what I remember that he reported to us.

**Q. What do you know or recall about Raz Simone?**

A. The night of the 8th -- he drove a very distinctive car. He had a white Tesla. African-American male. He showed up that night. I believe it was that first night, there was a video of him armed and talking about and distributing firearms.

**Q. What do you recall seeing about -- seeing with Mr. Simone distributing firearms?**

A. My recollection is him taking a firearm out of his car, talking to somebody about it, and hand-- and handing it to them.

**Q. What kind of firearm was it, if you recall?**

A. My memory is that it was a -- that they were talking about a rifle, but I don't remember if he actually handed him a rifle or not. I don't recall the kind of specifics of that.

**Q. Do you recall whether it was one gun or more than one gun?**

A. My recollection is, it was just one.

**Q. Do you recall seeing on any other -- any of the other live feeds distribution of -- distribution of weapons on June 8th or June 9th?**

Page 92

A. I don't.

**Q. So when was the decision -- well, who made the decision to not try to reenter the precinct on the night of June 8th or the morning of June 9th?**

MR. CRAMER: Objection. Form.

A. I don't know if it's a particular person. Certainly June 8th, the determination was made, the -- the crowd was peaceful. They weren't taking any specific action against the precinct, so the decision was made to let that play out.

That's what -- my direction, when I went home, to Captain Sano, who was in command overnight, to make an effort to go back in the following morning to kind of determine what the -- the situation was, and if it was safe and feasible to do so.

BY MR. WEAVER:

**Q. So on the morning of June 9th, did you make the decision not to move personnel and materials back into the East Precinct?**

A. No. We got the report from Captain Sano, and then we started meeting internally about, you know, what our next steps were going to be. So if there wasn't a specific decision, other than Captain Sano said, okay, here's -- you know, very early in the morning, here's what we've encountered, here's what's going on, and then

23 (Pages 89 to 92)



Page 93

1 I took that information back to the chief and others on  
2 the command staff and started discussing what our next  
3 plans would be.

4 **Q. Okay. Tell me as much as you can about those**  
5 **discussions that you had with the chief and other**  
6 **personnel about the next steps to take.**

7 A. Well, it was collaborative effort, and  
8 ultimately the decision was going to be left to the  
9 chief. And my preference was to gather as much  
10 information as we could, determine if it was viable for  
11 us to move back in immediately, and then formulate a  
12 plan to sustain us being back in there, knowing that  
13 there would probably be pushback from crowds again that  
14 night on the precinct, so how were we going to sustain  
15 it if we got back -- back into the building.

16 So that's kind of what was at the forefront of  
17 my mind, that's what we talked about. And I think it  
18 was the chief -- don't remember specifically, but I  
19 think it was, you know, going to be in consultation with  
20 the executive branch, to start determining the next  
21 steps forward.

22 **Q. So by the "executive branch," you mean the**  
23 **mayor's office; is that correct?**

24 A. Yes.

25 **Q. Okay. Were you involved with discussions**

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1 **between the Seattle Police Department and the mayor's**  
2 **office about whether the police department should try to**  
3 **reoccupy the East Precinct on June 9th?**

4 A. Not that I recall specifically on that day, no.

5 **Q. Do you recall having those discussions with the**  
6 **mayor's office at any time after June 9th, during the**  
7 **month of June 2020?**

8 A. Yes. There was a very regular tempo of  
9 meetings involving the mayor's office, police, fire, a  
10 lot of other City agencies on a daily basis, and I was  
11 involved in many of those.

12 **Q. Okay. So would you say you were involved every**  
13 **day in those meetings, or was it just periodically?**

14 A. I don't know. I'm trying to be circumspect.  
15 It was certainly more than periodically. I just don't  
16 remember if it was every day, but it was -- I mean, I  
17 was working seven days a week, and there were frequently  
18 a variety of meetings every day that certainly involved  
19 the mayor's staff and others as well.

20 **Q. So who do you recall being in these meetings**  
21 **with the mayor's staff? I mean, it sounds like, you**  
22 **know, fire department, Seattle Public U -- you know --**  
23 **give me -- I'll give you a list and you can tell me.**

24 **So was -- was Seattle Public Utilities at this**  
25 **meeting -- at these meetings?**

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1 A. At many of them, yes.

2 **Q. How about Sam Zimbabwe from the Department of**  
3 **Transportation?**

4 A. I remember either he or a designee were --  
5 would be involved in many of them.

6 **Q. And I think you mentioned the fire chief was**  
7 **there?**

8 A. Chief Scoggins, yes.

9 **Q. Okay. And then representatives from the**  
10 **mayor's office; correct?**

11 A. It seems like who I dealt with, with the  
12 mayor's office, was either Deputy Mayor Sixkiller, or  
13 Deputy Mayor Fong less so, and then Julie Kline, who was  
14 the public safety advisor.

15 **Q. How often were you in communication with Julie**  
16 **Kline during the month of June 2020 about what was going**  
17 **on, on Capitol Hill?**

18 A. Several times a week.

19 **Q. What were the nature of your communications**  
20 **with her during that time period?**

21 MR. CRAMER: Objection. Form. Vague as to  
22 "nature."

23 A. Yeah, I don't know if I can generalize about  
24 them. It was just about whatever the issue or topic was  
25 that we were having to deal with.

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1 BY MR. WEAVER:

2 **Q. During these meetings of the group that we**  
3 **talked about, or with Julie Kline specifically, do you**  
4 **recall having discussions about whether the police**  
5 **department could or should return to the East Precinct?**

6 MR. CRAMER: Objection. Form. Vague.

7 A. Yes, I'm sure that came up.

8 BY MR. WEAVER:

9 **Q. What was your personal opinion about whether**  
10 **the police department should attempt to reoccupy the**  
11 **East Precinct in June of 2020?**

12 MR. CRAMER: Objection. Vague as to time.

13 A. I was committed to getting us back in the  
14 building as soon as it was practical, safe, feasible,  
15 and something that we could sustain without having to  
16 get back into the tempo or the situation that we were in  
17 earlier the month -- earlier in the month.

18 That's the way I thought about it. Getting  
19 back in may have been feasible at some point, but there  
20 certainly would have been a force component, I think,  
21 associated with that in the early days.

22 And then as we saw, when we went back with  
23 Chief Best on June 11th, the sustainment was going to be  
24 something we'd have to spend time thinking through.

25 ///

24 (Pages 93 to 96)

Page 97

1 BY MR. WEAVER:

2 **Q. What happened on June 11th that you're**  
3 **referring to?**

4 A. I believe that's the correct date. Chief Best  
5 and some -- myself and some other officers went back up  
6 to the precinct. We were able to go inside, inspect the  
7 building, make sure that it hadn't been broken into,  
8 nothing had been damaged or taken.

9 I think the thought is that we would remain  
10 there. We'd put some resources in the building, but  
11 then there was an attempt -- there was a fire lit out --  
12 outside of the building that made the officers feel  
13 unsafe.

14 They left, unfortunately, without notifying  
15 anybody until the next morning. And so then we didn't  
16 have any more resources in there, so again, it was the  
17 sustainment piece that was going to be difficult once  
18 we'd lost that foothold.

19 **Q. Okay. I just want to make sure I understood --**  
20 **understood what you said. So on June 11th, you went**  
21 **in -- and I think it was June 11th, but -- on June 11th**  
22 **or thereabouts, you went -- you went into the precinct**  
23 **with Chief Best and some other officers, with the goal**  
24 **of leaving some people manned at the precinct; is that**  
25 **correct?**

Page 98

1 A. That's accurate, yes.

2 **Q. And those officers left sometime thereafter**  
3 **because they were concerned for their safety; is that**  
4 **right?**

5 A. Yeah. A different team of officers actually  
6 came in late -- later in the afternoon or early evening  
7 and replaced those -- myself and others that had already  
8 been there throughout the day.

9 And then after midnight the next day, let's say  
10 that was the 12th, that's when an incident occurred that  
11 caused them to leave the building.

12 **Q. Okay. Were there other attempts to move**  
13 **personnel back into the East Precinct prior to July 1,**  
14 **2020?**

15 MR. CRAMER: Objection. Form.

16 A. Not -- no, not like that, that we just talked  
17 about, or there were no other efforts that I recall that  
18 were made after that initial one.

19 BY MR. WEAVER:

20 **Q. Okay. I want to go back to the discussions**  
21 **that we talked about earlier on June 8th, and I think --**  
22 **am I correct that you were having discussions between**  
23 **you and some of your subordinate officers about whether**  
24 **to evacuate personnel from the East Precinct? Is that**  
25 **correct?**

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1 A. On the 8th, yes, that's accurate.

2 **Q. And was there discussion, either among that**  
3 **group or with your later conversation with Chief Best,**  
4 **about what might happen if officers were not able to**  
5 **return to the East Precinct within 24 hours?**

6 A. No. We didn't consider that contingency. The  
7 thing -- the things that we thought would happen was,  
8 one, the people would march by and that would be it, and  
9 we'd move back in; or based on what I spoke to earlier  
10 about what had happened in Minneapolis, the information  
11 that we received from the FBI about government  
12 facilities and the precinct being a target, that there  
13 would be an effort to, you know, attack and destroy it  
14 potentially.

15 We thought the danger for fire was significant,  
16 for lighting it on fire, and that's what we had planned  
17 to address, not that the occupation, for lack of a  
18 better word, that occurred would happen. We didn't  
19 consider that as a contingency plan. So we -- we  
20 weren't -- we hadn't thought that through.

21 **Q. Were you aware, at the time you made your**  
22 **decision to evacuate the precinct on June 8th, that the**  
23 **mayor was considering whether to give the East Precinct**  
24 **to Black Lives Matter?**

25 MR. CRAMER: Objection. Form.

Page 100

1 A. I was not aware of that.

2 BY MR. WEAVER:

3 **Q. When did you first become aware of that?**

4 MR. CRAMER: Same objection. Assumes  
5 evidence.

6 A. Sometime later on. I don't know if it was  
7 June or July. Chief Best had told me that there had  
8 been -- she was aware of a conversation between Black  
9 Lives Matter and the mayor's office about turning over  
10 the precinct.

11 BY MR. WEAVER:

12 **Q. Okay. What do you -- can you tell me anything**  
13 **else about that conversation you had with Chief Best**  
14 **about that?**

15 A. Yeah, I just remember being in her office. I  
16 don't know specifically what we were talking about. She  
17 told me -- Chief Best is very well connected to many  
18 communities in Seattle, especially the African-American  
19 community.

20 And she had told me that people that she knew,  
21 I believe -- my recollection is in the Black Lives  
22 Matter movement, had told her about conversations they  
23 had had -- I don't remember specifically with the mayor  
24 or her office -- about making the precinct -- turning it  
25 over to them and allowing it to be some type of a

25 (Pages 97 to 100)

Page 101

1 community center. That's my recollection of the  
2 conversation.

3 **Q. Were you surprised to hear that?**

4 A. Yes, I could qualify it as surprised.

5 **Q. Okay. Is there another term you would use  
6 rather than "surprised" for your reaction?**

7 A. I mean, there was just so -- there was just so  
8 many things going on during this event, that I almost  
9 would say I almost was numb during this point, through  
10 working all the time and lack of sleep.

11 I don't think anything was surprising me at --  
12 at this point, just recollecting on kind of that whole  
13 month. But yes, there was al- -- always seemed to be  
14 some type of issue arising, I guess.

15 **Q. Is it safe to say that you were always  
16 interested in returning to the East Precinct and  
17 returning personnel to the East Precinct as soon as it  
18 was safe to do so?**

19 A. Absolutely. That was my goal from June 8th  
20 onwards. That was what I was focused on doing.

21 **Q. And would you say it was a priority of yours  
22 and the police department to move in -- move into the  
23 precinct as soon as it was safe to do so?**

24 A. Yes, I would agree with that.

25 **Q. And why was that a priority, to move back into**

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1 **ability to respond to the areas that were normally  
2 covered by officers operating out of the East Precinct?**

3 MR. CRAMER: Objection. Form.

4 A. We had to move everybody to the West Precinct,  
5 but everybody was still able to cover their districts  
6 and respond to calls for service, but just not out of  
7 that building.

8 BY MR. WEAVER:

9 **Q. Did the response times increase for calls that  
10 were in the Edward Sector?**

11 A. Year over year, I don't recall a -- a specific  
12 increase. We were having increases in response times  
13 citywide at this point. I don't -- can't pinpoint it  
14 directly back to Edward Sector having a significant  
15 increase in response times.

16 **Q. Were you aware of Chief Best indicating at one  
17 point, I believe during the first week after the police  
18 had evacuated the precinct, that response times in the  
19 area served by the East Precinct had tripled?**

20 MR. CRAMER: Objection. Assumes evidence --  
21 evidence not in the record.

22 A. Did you ask if I was aware of her saying that?

23 BY MR. WEAVER:

24 **Q. Yes.**

25 A. No. I don't recall that -- her saying --

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1 **the precinct?**

2 A. I mean, that's our facility. That's for  
3 providing public safety services to the community, I  
4 mean, not just to Capitol Hill, but to First Hill, the  
5 Central District, other parts. That station had been  
6 there since the 1980s, and just a response and public  
7 safety component of it.

8 Also my officers were out of -- were out of  
9 their home. We were having to scramble to find them a  
10 place to work out of. So I wanted to do that for them,  
11 get them back in as soon as we could do so without  
12 hopefully any more conflicts to do it, and no more of  
13 the building being surrounded and rendered inoperative.

14 So that was certainly, like I said, a goal from  
15 June 8th, to make that a reality and make it happen.

16 **Q. Was that goal made clear by either you or other  
17 members of the police department in any of these  
18 meetings that you had with the executive branch and  
19 heads of other departments?**

20 A. I'm sure it was. But as far as specific  
21 instance or who did that, I -- I don't have any memory  
22 of that, but I think that was -- that was everybody's  
23 goal too. At least that's the way I -- I perceived it.

24 **Q. What effect did the evacuation of personnel  
25 from the East Precinct have on the police department's**

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1 **Q. Do you recall any analysis that was done  
2 internally about whether response times had gone up  
3 after the evacuation of the East Precinct on June 8th?**

4 A. There may have been one done at that time. I  
5 don't remember ordering one. And that would have, I  
6 guess, not been data I could have collected, but it  
7 certainly could have been. I don't specifically recall  
8 it, though.

9 **Q. How would that data be collected, in your  
10 understanding?**

11 A. So that would be taken from our -- our computer  
12 dispatch system, which was able to collate that data,  
13 make comparisons.

14 **Q. Do you recall, during the June 9th, 10th, or  
15 11th time period, working with either Deputy Mayor  
16 Sixkiller or Department of Transportation director Sam  
17 Zimbabwe, or both, to try to move -- remove barriers  
18 from around the East Precinct and the red zone?**

19 A. Not on those specific dates. But I know those  
20 were topics that we discussed when it came to how would  
21 we make the -- you know, if we -- to re-inhabit the  
22 precinct, what were some of the things that had to  
23 happen to make that viable.

24 **Q. So do you recall whether, in those first few  
25 days after the precinct was evacuated, that there was an**

26 (Pages 101 to 104)

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1 confrontation or escalation, but also trying to provide  
2 the service that was requested for us.

3 That's why we had kind of the information in  
4 there about, if it wasn't a significant life safety  
5 emergency, having people come out of the zone, if  
6 possible, to provide their information, if they could.  
7 And then if that wasn't, you know, critically thinking  
8 of the ways that we could best respond to these service  
9 calls. But yes, definitely concerns for residences,  
10 businesses was something that was considered, and we  
11 tried to work around that the best we could.

12 BY MR. WEAVER:

13 **Q. So what were the concerns for residents and**  
14 **businesses?**

15 A. Well, we've had a -- to adjust our responses to  
16 a certain area, so it's not situation as normal, where  
17 we would just be able to get a call, evaluate, you know,  
18 what was needed for the response, and then just go in  
19 response.

20 Now we've got these extra circumstances of --  
21 within the red zone that we -- we have to be mindful of.  
22 So I guess it's -- it's just not business as -- as  
23 usual. Right. It's a significant change in things.

24 So that -- whenever there is a change, there's  
25 some issues or situations that go along with that, that

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1 BY MR. WEAVER:

2 **Q. That your directive would.**

3 MR. CRAMER: Same objection.

4 A. No. In that I felt that we would -- we still  
5 had -- provided information on how we should respond to  
6 the area, and again, that we would be continually  
7 evaluating that as the circumstances changed.

8 It's not like we were just, you know, this was  
9 the situation we had on June 9th, and then we -- that  
10 was the only thing we considered in perpetuity. We were  
11 evaluating it every day and trying to consider all the  
12 concerns and issues that we could and address them the  
13 best that we were able to.

14 BY MR. WEAVER:

15 **Q. So were you -- were you concerned at all, when**  
16 **you issued your directive on June 12th, that certain**  
17 **crimes would not be sufficiently responded to either in**  
18 **the red zone or in areas around the red zone?**

19 A. We've got a situation outside of normal, so I  
20 knew there would have to be some adjustments, but we  
21 still had a commitment to responding certainly to  
22 significant life safety events, and then investigating  
23 other crimes as effectively as we could.

24 **Q. Okay. So with regard to other crimes that were**  
25 **not -- would not have been critical life safety**

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1 are different than what is normal and what had been  
2 previous.

3 **Q. Were you concerned that the result might be an**  
4 **increase in crime in the area where there was a revised**  
5 **response by the police?**

6 A. I don't recall that being a consideration. I  
7 think more what we were thinking about was the response  
8 guidelines that we've been talking about.

9 **Q. So can you elaborate a little bit more on what**  
10 **your concerns were with regard to businesses and**  
11 **residents and how this modified response might affect**  
12 **them?**

13 MR. CRAMER: Objection. Form.

14 A. Elaborate insofar as what? Anything in  
15 specific? I mean, for me, it's just -- it's something  
16 that's beyond the norm. It's beyond the usual that  
17 we're having to adjust to. So that creates concerns or  
18 contingencies that we have to consider.

19 BY MR. WEAVER:

20 **Q. So were you concerned that it would have**  
21 **impacts on residents or businesses in or near the area**  
22 **that -- where there was a modified response?**

23 MR. CRAMER: Objection to form. Vague.

24 A. That the area would or that our -- our -- the  
25 directive I gave would?

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1 **emergencies or mass casualty events, how was the police**  
2 **department responding to those requests or reports of**  
3 **crime?**

4 MR. CRAMER: Objection. Form. Vague as to  
5 location.

6 A. Inside --

7 BY MR. WEAVER:

8 **Q. Within or near the red zone.**

9 A. Right.

10 MR. CRAMER: Same objection. Compound.

11 A. The call would be taken and processed. And  
12 again, the idea was to dispatch the call, but, if  
13 possible, have the person meet us outside of the zone,  
14 so officers wouldn't have to go in. If they couldn't do  
15 that, then there were other alternative means.

16 If it was a -- not a life safety call, they  
17 could do it if -- the person could make the report  
18 online, or they could report it over the phone. Or if  
19 they were able to get -- like I said, they could meet  
20 with the officer in an area that was not directly inside  
21 the impacted red -- red zone, as we called it.

22 BY MR. WEAVER:

23 **Q. So people could either just make the report**  
24 **on -- on the phone, online, or they could walk several**  
25 **blocks to some area outside the red zone; is -- to make**



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1 a report in person; is that right?

2 MR. CRAMER: Objection. Misstates  
3 testimony.

4 A. I mean, they could come out of the red -- the  
5 red zone however -- you know, if it was on foot, on a  
6 bike, they were able to drive. I mean, however means or  
7 conveyance they can get to meet with the officer, that  
8 was the -- the way we were asking for these things to be  
9 investigated and for people to meet up with us.  
10 BY MR. WEAVER:

11 Q. So if somebody was raped, but it wasn't a  
12 critical life safety emergency, that would be how the  
13 report would be taken during this time period in June of  
14 2020?

15 A. Based on the circumstance we were -- we were  
16 faced with, that would be the preferred way of handling  
17 the investigation, yes.

18 Q. So did you have -- did you have no concerns  
19 that the directive that you issued with regard to the  
20 red zone was going to have a -- the impact of increasing  
21 crime in the area in and around the red zone?

22 A. No, that's not accurate. I mean, I was -- I  
23 had a lot of -- lot of concerns. This is a  
24 significantly different way that we -- we had to  
25 operate, and it was uncharted territory.

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1 That's why we were constantly evaluating it.  
2 And again, we were making plans, based on the  
3 circumstances that we had, to still provide the services  
4 in the best way that we could.

5 Q. So let me ask it the other way. So were you  
6 concerned, at the time you issued the directive, that  
7 crime would increase in or around the red zone in June  
8 of 2020?

9 MR. CRAMER: Objection. Form.

10 A. I didn't know. I think really the -- the main  
11 concerns were safety of officers, again, preventing  
12 confrontation and conflict, and trying to formulate a  
13 response the best we could.

14 I don't know if rising crime, especially in  
15 those early days, were -- was a consideration at that  
16 point. We just didn't know.

17 BY MR. WEAVER:

18 Q. Were you concerned, at that point that you  
19 issued the directive, on June 12, 2020, that having a  
20 red zone with modified response might attract certain  
21 criminal elements who might appreciate the modified  
22 response area?

23 A. Well, this information was only supposed to be  
24 internal into the department, so I didn't think about it  
25 getting out to criminal -- criminal elements or anybody

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1 else. This was guidelines for us internally within the  
2 department, not meant for dissemination to anybody else.

3 Q. Are you aware whether the information got out  
4 to the public in general?

5 A. I'm not.

6 Q. Are you aware of whether 911 operators told  
7 people that they would not be responding -- or that  
8 police would not -- police and fire would not respond to  
9 that area?

10 A. I am not aware of that in specifics, no.

11 MR. WEAVER: I'm going to drop Exhibit 13  
12 into the chat as soon as I get it going here.

13 (Exhibit No. 13 marked.)

14 BY MR. WEAVER:

15 Q. I believe we talked before about who Deanna  
16 Nollette is. She -- can you just remind me of what  
17 department she was in charge of?

18 A. She's the assistant chief of the investigations  
19 bureau.

20 Q. Okay. And it looks like Officer Nollette is  
21 sending you a -- on June -- first of all, do you  
22 remember this email?

23 A. No. Not until I -- I've seen it since, but I  
24 didn't remember it until I saw it, preparing for this  
25 deposition.

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1 Q. Okay. So how often were you getting updates,  
2 either from Ms. Nollette or the gang unit, about what  
3 was going on in the area, in the red zone, in June of  
4 2020?

5 A. Specifically from Chief Nollette, not that  
6 frequently, but she'd have people under her, in her  
7 intel section, that would provide them.

8 Q. Okay. Who were those people that were  
9 providing information to you?

10 A. The intelligence lieutenant at the time was  
11 Grant Ballingham.

12 Q. And would he communicate with you directly  
13 about what was -- he was observing?

14 A. Well, I don't know if it was directly  
15 observing, but information that he had, yes. I mean, he  
16 would -- he was our intelligence person that we relied  
17 upon in the operations center when we were doing our  
18 plans and looking at information and contingencies. He  
19 would provide us with --

20 Q. Okay. Some -- some of it may have been from  
21 informants rather than his personal observations; is  
22 that right?

23 A. That's accurate, yes. And from people working  
24 for him as well too, I would imagine.

25 THE COURT REPORTER: This is the court

30 (Pages 117 to 120)



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1 incidents being brought to our attention"?

2 A. I'm wondering if that's referring -- and I'm  
3 sorry; I'm looking down through these emails, if there's  
4 anything specific incident-wise being mentioned in here.

5 So the email from the end from Sergeant  
6 Fiorini, who's bringing forth some calls, or a concern  
7 to us that people were -- especially at night, were  
8 trying to lure police into the area potentially by  
9 calling in significant incidents.

10 So I think Lieutenant -- or Sergeant Fiorini is  
11 bringing that to our attention, and just that we have an  
12 awareness of that, and then plan for that as a  
13 contingency to deal with.

14 Q. What was your involvement, if anything, in the  
15 operation on the morning of July 1, 2020, to clear the  
16 protest area of people, barricades, and tents?

17 A. My involvement on that day is that I was the  
18 overall incident commander for our response.

19 Q. Were you present on Capitol Hill for that?

20 A. Yes. I made a makeshift field command post at  
21 the fire station that's roughly around about 13 or 14th  
22 and Pine Street, Fire Station 25. That's where I was  
23 located.

24 Q. And how many officers were involved in the  
25 operation to clear the area?

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1 A. A couple hundred officers.

2 Q. Why was it determined that you should have 200  
3 officers?

4 A. Well, first of all, it was the area that we had  
5 to clear was fairly large, and it was kind of a  
6 two-pronged approach. We had -- by that point we had a  
7 lot of tents that had established in front of the  
8 precincts, which we weren't sure of the exact amount  
9 they were occupied. So that was phase one, so that was  
10 going to require a significant amount of officers to  
11 manage that.

12 And then the second area or issue that we had  
13 to address with -- was Cal Anderson, which had an  
14 encampment established as well too, that had an unknown,  
15 but we suspected a significant amount of people in it,  
16 that would require a good deal of officers to deal with.

17 So it was, again, just to manage those two  
18 contingencies, and then just to have enough resources to  
19 deal with this event and any eventualities that might  
20 pop up. We just make sure we had enough people to deal  
21 with things that we knew we would face and anything that  
22 might pop up as a contingency.

23 Q. So was there a particular order or -- was there  
24 a particular place in which the operation first started,  
25 as far as police were concerned, in the area to -- to

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1 clear that area out first, or were they done  
2 simultaneously?

3 A. The area in front of the precinct was the first  
4 that we moved on, so that was the primary, but it was  
5 fairly soon thereafter. Once we had started moving on  
6 to the precinct, we had that stabilized, under control,  
7 that we moved on to Cal Anderson.

8 Q. And how many people did you have to clear out  
9 from the area around the East Precinct and in Cal  
10 Anderson?

11 MR. CRAMER: Objection. Form. Foundation.

12 A. Around the precinct specifically, I -- two,  
13 three dozen is my recollection. More than that in Cal  
14 Anderson, but I don't -- I don't recall what the  
15 specific number was.

16 BY MR. WEAVER:

17 Q. How long did the operation take for just  
18 clearing the people out of that area?

19 MR. CRAMER: What area, Tyler? Both, or one  
20 of the two?

21 MR. WEAVER: East Precinct and Cal Anderson.

22 A. I think the main portion of that operational  
23 phase was done with -- within two hours.

24 BY MR. WEAVER:

25 Q. And what was the next phase of the operation,

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1 from the police standpoint?

2 A. So then it was getting back into the building,  
3 clearing out what needed to be cleared out from around  
4 the building, include the tents, which I think the other  
5 agency, I think it was Parks took care of, and then  
6 removing the barricades from around the precinct, which  
7 was SDOT's job with the heavy equipment, taking down  
8 some of the -- we had put some fencing and boarding  
9 around the precinct. I think we worked about taking  
10 some of that down and getting back into the building.

11 So it was doing all those logistical things,  
12 and then the sustainment portion of it, because we did  
13 the actual operation, I think we were on-site by 5:00 in  
14 the morning.

15 Most of the protest activities in early  
16 June would happen in the evening, so the next phase of  
17 the plan was preparing for that eventuality, that now  
18 we'd moved back into the precinct, that there would be  
19 protest activity directed at it later that night, so we  
20 had other resources scheduled to come in later in the  
21 day to manage that.

22 Q. So was there protest activity directed at the  
23 East Precinct later that night, on the 1st?

24 A. There may have been, but not -- I don't  
25 specifically recall if there was, and what our response

48 (Pages 189 to 192)

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1 was to it, if there was one.

2 **Q. To what extent was the police department**  
 3 **providing backup or assistance to Seattle Public**  
 4 **Utilities and the Department of Transportation in their**  
 5 **job in clearing out barriers and tents from the area?**

6 A. We were there to provide security for them and  
 7 safety for their employees, if they -- if they  
 8 encountered any resistance or -- or aggressive action  
 9 towards them.

10 **Q. How long did the process of clearing out the**  
 11 **barriers and the tents and the materials in Cal Anderson**  
 12 **Park take?**

13 MR. CRAMER: Objection. Foundation.

14 A. Yeah, I don't -- I don't remember specifically.  
 15 I think it was several hours, if not a good portion of  
 16 the day.

17 BY MR. WEAVER:

18 **Q. So were -- were -- were your officers involved**  
 19 **with or were you aware of what was going on with regard**  
 20 **to restoration of things in Cal Anderson Park?**

21 A. No. That was not part of our responsibility.

22 **Q. So is it the case that under the mayor's order,**  
 23 **that the streets around the area of Cal Anderson and the**  
 24 **East Precinct were -- for a period of several days,**  
 25 **there was limited access enforced by the police**

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1 department?

2 A. Is that written in her order or is that the  
 3 result of it? I'm trying to clarify --

4 **Q. Well, in the days following the clear-out on**  
 5 **July 1st, was there a police presence in the streets and**  
 6 **sidewalks around Cal Anderson and the East Precinct to**  
 7 **restrict access to that area?**

8 A. I don't know. I know -- and I don't remember  
 9 if it was for this one, in December, that we were trying  
 10 to sustain the park, to not allow the encampment to  
 11 reconstitute, but I don't think that involved blocking  
 12 the streets.

13 **Q. What was being done to prevent re-encampment of**  
 14 **Cal Anderson Park in July 2020?**

15 A. Just July 1, I think, while the workers were  
 16 there and clearing it out, and maybe for a time after  
 17 they had left, a short time, there was a police presence  
 18 there. It didn't -- it didn't go on for the entire  
 19 month.

20 **Q. Were you in the area beyond July 1, 2020,**  
 21 **overseeing it as the incident commander?**

22 A. I don't think I was reassigned as a commander  
 23 after July 1st. I don't recall exactly what our  
 24 deployment posture was. We were back in the precinct,  
 25 so Captain Grenon would have control over the East

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1 Precinct area, so he would be responsible for that.

2 I don't know if we set up a more formalized  
 3 structure or not. I don't believe we did, though,  
 4 after --

5 **Q. Do you recall whether you were personally in**  
 6 **the area after July 1, 2020?**

7 A. Occasionally I'd go up there, but I didn't have  
 8 a regular scheduled presence, no.

9 **Q. Did you walk -- now, you were stationed at the**  
 10 **fire department station somewhat near the East Precinct.**  
 11 **Am I correct, that's -- that's the fire station you're**  
 12 **talking about?**

13 A. Yes.

14 **Q. At any point did you walk around the area that**  
 15 **had been occupied and had the barricades and the people**  
 16 **in it, after it had been cleared?**

17 A. Yeah, I walked down to the area in front of the  
 18 precinct, and I went inside the precinct.

19 **Q. Did you walk anywhere other than right by the**  
 20 **precinct?**

21 A. If I did, I don't remember. I don't think I  
 22 did, but I don't recall. I do recall specifically being  
 23 in front of and going inside the precinct.

24 **Q. What do you -- what do you recall seeing around**  
 25 **the exterior of the precinct when you approached it?**

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1 A. There were some barricades. There were tents  
 2 there being removed. 12th Avenue, there were some  
 3 portable toilets that had been knocked over during our  
 4 operation. That's what I remember from the outside.

5 And then going inside the precinct and walking  
 6 around in there, seeing what kind of the situation was  
 7 in there. I don't remember any -- nothing significant  
 8 stood out, as far as there being any damage in the  
 9 precinct, but there was just a lot of the things that we  
 10 had left behind when we'd been in there that were kind  
 11 of scattered about in various places.

12 **Q. Do you recall speaking to any residents or**  
 13 **business owners or workers in the area around the East**  
 14 **Precinct on July 1, 2020?**

15 A. I don't.

16 **Q. Do you have any knowledge of Carmen Best's**  
 17 **cellphone and the lack of texts on that cellphone prior**  
 18 **to June -- September 2, 2020?**

19 A. I don't.

20 MR. WEAVER: I don't have any other  
 21 questions, unless Shane has questions for you that I  
 22 need to follow up on.

23 MR. CRAMER: I do not. So we'll reserve  
 24 signature if we're done.

25 THE VIDEOGRAPHER: This deposition is

49 (Pages 193 to 196)

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1 adjourned at 3:40.  
 2 (Deposition concluded at 3:40 p.m.)  
 3 (Reading and signing was requested  
 4 pursuant to FRCP Rule 30(e).)  
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## 1 CERTIFICATE

2  
 3 STATE OF WASHINGTON  
 4 COUNTY OF PIERCE  
 5

6 I, Cindy M. Koch, a Certified Court Reporter in  
 7 and for the State of Washington, do hereby certify that  
 8 the foregoing transcript of the deposition of Thomas  
 9 Mahaffey, having been duly sworn, on January 26, 2022,  
 10 is true and accurate to the best of my knowledge, skill  
 11 and ability.

12 IN WITNESS WHEREOF, I have hereunto set my hand  
 13 and seal this 2nd day of February, 2022.



14  
 15  
 16 CINDY M. KOCH, CCR, RPR, CRR

17  
 18 My commission expires:  
 19 JUNE 9, 2022  
 20  
 21  
 22  
 23  
 24  
 25

50 (Pages 197 to 198)